

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

Case No. 09-75270

HERMAN W. SCHEWE, JR.,

Chapter 7

Debtor.

Judge Thomas J. Tucker

**ORDER DISAPPROVING DOCKET # 23: "STIPULATION FOR ENTRY OF
ORDER EXTENDING DEADLINES"**

In this case, the Debtor filed a voluntary petition for relief under Chapter 7 on November 16, 2009. That same day, the Debtor filed his Schedule C, list of claimed exemptions (Docket # 1). To date, the Debtor has not filed any amendment of his original Schedule C.

A "Notice of Chapter 7 Bankruptcy Case, Meeting of Creditors, & Deadlines" was filed on November 16, 2009. On November 16, 2009, the Chapter 7 trustee was served with the Notice electronically, through the Court's CM/ECF system. (Docket # 7). In addition, the Notice was served on the Chapter 7 trustee and all creditors by the Bankruptcy Noticing Center, by mail on November 19, 2009 (Docket # 10). The Notice stated that the deadline to file objections to the Debtor's exemptions was "[t]hirty (30) days after the *conclusion* of the meeting of creditors" (italics in original). The Notice stated that such meeting of creditors was scheduled for December 18, 2009. The first meeting of creditors was concluded on January 28, 2010. As a result, the deadline for the Trustee or any other party in interest to file any objections to Debtor's claim of exemptions was Monday, March 1, 2010. *See* Fed.R.Bankr.P. 4003(b)(1); 9006(a)(1)(C).

On December 15, 2009, the Debtor and the Trustee filed a stipulation, and the Court entered an order, extending the deadlines for "all creditors and parties in interest to file a

complaint objecting to discharge of the Debtor or to determine dischargeability of certain debts” and “for the Office of the United States Trustee to file a motion under 11 U.S.C. §707,” all until March 15, 2010. (Docket ## 15, 16). These documents said nothing about the deadline for objecting to exemptions.

On March 3, 2010, two days after the deadline for objecting to exemptions expired, the Trustee filed a stipulation between the Trustee and the Debtor to extend the deadline “for the Trustee to object to the Debtor’s claim of exemptions” to March 28, 2010. (Docket # 23). That same day, the Trustee submitted a proposed order to the Court.

The Court must disapprove this stipulation and refuse to enter the proposed order. In order for the Court to extend the time for any party to object to a debtor’s exemptions, that party must file a motion (or stipulation) to extend the deadline *before* the deadline has expired.

Fed.R.Bankr.P. 4003(b) sets the deadline for filing objections to exemptions, and Rule 4003(b)(1) states that: “[t]he court may, for cause, extend the time for filing objections [to a debtor’s claim of exemptions] if, before the time to object expires, a party in interest files a request for an extension.” Fed.R.Bankr.P. 9006(b)(3), provides, in relevant part, that “[t]he court may enlarge the time for taking action under Rules . . . 4003(b) [and certain other rules] . . . only to the extent and under the conditions stated in those rules.”

The Trustee’s March 3, 2010 request to extend the deadline to file an objection to Debtor’s exemptions was untimely, and under the rules just cited, the Court may not extend the deadline. Accordingly,

IT IS ORDERED that the “Stipulation for Entry of Order Extending Deadlines” (Docket

23), is disapproved. The deadline under Fed.R.Bankr.P. 4003(b)(1)¹ to file an objection to Debtor's claim of exemptions cannot be extended.

Signed on March 04, 2010

/s/ Thomas J. Tucker
Thomas J. Tucker
United States Bankruptcy Judge

¹ This Order does not affect the deadlines for objecting to exemptions that are stated in Fed.R.Bankr.P. 4003(b)(2) and 4003(b)(3), applicable to the specific situations described in those rules. Nor does this Order address the future objection deadline under Rule 4003(b)(1), or any future requested extension of such deadline, if the Debtor files an amended Schedule C (list of claimed exemptions) in the future.